



Entered on Docket  
May 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus Objection  
Of USACM Trust To Proofs Of Claim Based  
Entirely Upon Investment In The Oak Shores  
II Loan**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Oak Shores II Loan ("Oak Shores II Loan") [DE 8305] (the "Objection"); the Court having heard the Objection on May 9, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lender's right to repayment by the

1 borrower or from the collateral securing the Oak Shores II Loan, and good cause  
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8305] is sustained; and  
5 2. The claims listed on **Exhibit** A attached are disallowed in their entirety since  
6 and to the extent that those claims are based upon an investment in the Oak Shores II  
7 Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker  
13 Robert M. Charles, Jr.  
14 John Hinderaker (*pro hac vice*)  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).  
XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. \_\_\_\_\_  
 Attorneys for USACM Liquidating Trust

# # #

**Oak Shores II (John E. King)  
Single Loan Claims**

<b>Claim #</b>	<b>Date Claim Filed</b>	<b>Name/Address</b>	<b>Total Claim Amount Relating to the Oak Shores II (John E. King) Loan</b>	<b>Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan</b>
10725-01867	1/5/2007	Kefalas, Chris & Kathy 2806 Rambler Valley Drive Cedar Park, TX 78613-1653	50,000.00	10,033.44	39,966.56
10725-01145	11/8/2006	Leblanc, Jean-Jacques - IRA Po Box 6434 Incline Village, NV 89450-6434	39,761.00	-	39,761.00
10725-00873	11/1/2006	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328	102,950.92	20,066.89	82,884.03
10725-02247	1/12/2007	Mcquerry Family Trust William Mcquerry 318 Singing Brook Cir Santa Rosa, CA 95409-6483	97,985.38	-	97,985.38
10725-02345	1/16/2007	Moore, Raymond C & Rose 902 University Ridge Dr Reno, NV 89512	80,955.52	-	40,477.76
10725-00200	9/20/2006	MW Gorts & Company Michael Gorts 7820 Emerald Harbor Ct Las Vegas, NV 89128	100,000.00	-	100,000.00
10725-01528	11/30/2006	Nelson, James 408 N Berry Pine Rd Rapid City, SD 57702	25,971.00	10,033.44	15,937.56
10725-02573	10/5/2007	Nelson, James 408 N Berry Pine Rd Rapid City, SD 57702	10,033.44	-	10,033.44

**EXHIBIT A**

2349775.2

Oak Shores II (John E. King)  
Single Loan Claims

Claim #	Date Claim Filed	Name/Address	Total Claim Amount Relating to the Oak Shores II (John E. King) Loan	Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)	Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan
10725-01899	1/9/2007	Nirenstein 1992 Revoc Trust, Allen M & Dorothy H Dtd 3/4/92 C/O Allen & Dorothy Nirenstein Ttees 403 Woodland Road Kentfield, CA 94904-2635	100,000.00	-	100,000.00
10725-00645	10/10/2006	Ramon L & Linda L Snyder Family Trust Dtd 10/14/98 C/O Ramon L & Linda L Snyder Ttees 405 Grayeagle Ct Lincoln, CA 95648-8676	125,000.00	25,083.61	99,916.39

**EXHIBIT A**

2349775.2